

SPINELLI, DONALD & NOTT

A Professional Corporation

DOMENIC D. SPINELLI, SBN: 131192

J. SCOTT DONALD, SBN: 158338

601 University Avenue, Suite 225

Sacramento, CA 95825

Telephone: (916) 448-7888

Facsimile: (916) 448-6888

Attorneys for Defendants County of
Siskiyou; Jeremiah LaRue and Jesus
Fernandez, in their official capacities
as members of the Siskiyou County
Sheriff's Department and in their individual
capacities; Brandon Criss, Ed Valenzuela,
Michael N. Kobseff, Nancy Ogren, and
Ray A. Haupt, in their official capacities
as members of the Siskiyou County Board
of Supervisors and in their individual
capacities; Edward Kiernan, in his official
capacity as County Counsel for Siskiyou
County and in his individual capacity;
and DOES 1-100.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

Dilevon Lo, Jerry Vang, Nathan Thao, Mao
Thao, Pao Lee, Antonio Lee, Koua Lee, Nhia
Thai Vang, Zeng Lee, Der Lee and Khue Cha

Plaintiffs,

vs.

County of Siskiyou; Jeremiah LaRue and
Jesus Fernandez, in their official capacities as
members of the Siskiyou County Sheriff's
Department and in their individual capacities;
and Brandon Criss, Ed Valenzuela, Michael
N. Kobseff, Nancy Ogren, and Ray A. Haupt,
in their official capacities as members of the
Siskiyou County Board of Supervisors and in
their individual capacities; Edward Kiernan,
in his official capacity as County Counsel for
Siskiyou County and in his individual
capacity; and DOES 1-100,

Defendants.

Case No.: 2:21-cv-00999-KJM-DMC

**DECLARATION OF KIRK SKIERSKI,
ISO DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION**

Complaint Filed: June 4, 2021

First Amended Complaint Filed: July 15, 2021

Date: August 6, 2021

Time: 10:00 AM

**[FEES EXEMPT PURSUANT TO
GOVERNMENT CODE SECTION 6103]**

1 I, Kirk Skierski, do declare as follows:

2 1. I am the Planning Director for the County of Siskiyou where I have been employed
3 since August 12, 2019. My job duties with the County include issuance of certain permits
4 associated with groundwater including the groundwater extraction permit required under County
5 Code Section 3.5-13.102. Further, I am responsible for reviewing and assisting with the issuance of
6 water tender permits required under County Code Section 3-4.1504, which are currently issued by
7 the Public Works Department. Both of the permits were required under urgency ordinances and
8 therefore County Directors are still streamlining the process of approval. It is my understanding
9 that my department will ultimately be responsible for reviewing and issuing both permits.
10 However, at this time, the Public Works Department continues to issue the water tender permits but
11 does so under a coordinated process with the Planning Department.

12 2. None of the Plaintiffs in this case have applied for either a groundwater extraction
13 permit or for a water tender permit.

14 3. As of the date of this declaration, and since the issuance of the urgency ordinance
15 giving rise to the requirement for a water tender permit, 14 permits have been approved and five
16 groundwater extractions permits have been approved.

17 4. Since May 4, 2021, only 17 water tender permits have been applied for. Of those 17,
18 14 were approved, one was withdrawn, one remains in process after a request for additional
19 information was met with no response, and one was denied, which was an application made by
20 West Coast Water Service when the reported end user submitted by the applicant identified that
21 they were no longer obtaining water from West Coast Water Service..

22 5. A ground water extraction permit cannot be issued by this office if the source of the
23 extracted water is a priority basin in either the medium to high priority designation. This is due to
24 the fact that priority basins, including medium to high priority, have replenishment and/or capacity
25 issues.

26 6. Water tender permits are not provided to applicants who cannot show compliance
27 with local and state laws, including those that require that the water be delivered to an approved
28 single-family dwelling or a "campsite" with an approved camping permit.

1 I declare under penalty of perjury under the laws of the State of California that the foregoing
2 is true and correct and that this was executed on this 28th day of July, 2021 in Siskiyou County,
3 California.

4 /s/ Kirk Skierski
Kirk Skierski